

ORIGINAL TO
U.S. DIST. CT.

RECEIVED

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHEAST DIVISION

OCT 13 A 9:43
DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

THOMAS OTTER ADAMS,
PRO SE, # 100612-B
Plaintiff

VS.

ERNESTO MOSLEY,
WARDEN III, ET AL.
Defendants

Civil Action:

2:06-CV-873-ID

SUPPLEMENTAL, AMENDED PLEADING,
FEDERAL RULES OF CIVIL PROCEDURE-
RULE # 15

COMES NOW THE Plaintiff, THOMAS
OTTER ADAMS-# 100612-B, A STATE PRISONER,
who is before this Honorable Court,
pursuant to the above mentioned civil
action;

Plaintiff respectfully request the
permission to proceed, pursuant to
F.R. CIV. P. # 15.

LEGAL USE ONLY

I AM THOMAS ADAMS-#100612, A STATE PRISONER, (E.C.F.), CAPABLE AND ABLE TO FILE THIS COMPLAINT, AND SUPPLEMENT, I AM OVER 21 YEARS OLD, I FILE THE FOLLOWING BEFORE AND TO THIS HONORABLE COURT, PURSUANT TO 28 U.S.C. § 1746(2), THE PENALTY OF PERJURY.

CLAIM #2. PRISONER FILES THIS SUPPLEMENT, PURSUANT TO RULE #15 (C), (2),

① ON SEP. 29, 2006, SEGREGATION UNIT, E.C.F. AT ABOUT 12:00-1:00 PM. I WAS TAKEN BEFORE A DISCIPLINARY HEARING BOARD, FOR ALLEGED VIOLATIONS ON A.R. 403, RULE(S) #64-POSSESSION OF CONTRABAND, #56-FAILURE TO OBEY A DIRECT ORDER, AND #29-ASSAULT ON A D.O.C. OFFICIAL, BEFORE HEARING OFFICER, CO 1 ANTHONY WILLIAMS.

② PLAINTIFF REQUEST BY THE PERMISSION OF THIS HONORABLE COURT, TO ADD THE

HEARING OFFICER, CO 1 WILLIAMS AS A DEFENDANT PURSUANT TO F.R. CIV. P.-

RULE #15 (C)(3), ANY AND ALL DEFENDANT(S) ARE HELD LIABLE AND ARE SUED IN THEIR INDIVIDUAL AS WELL AS OFFICIAL CAPACITIES, INCLUDING BUT NOT LIMITED TO THE HEARING OFFICER, CO 1 WILLIAMS.

③ HEARING OFFICER - CO 1 WILLIAMS FAILED TO SWORE IN ANY ONE INCLUDING ALL DEFENDANTS, UNTIL BEING REMINDED, AFTER THE TESTIMONIES/STATEMENTS WERE BEING GIVEN, A VIOLATION OF THIS PRISONERS DUE-PROCESS PROTECTIONS, A.R. #403, IV (E), A.R. #403 IV (F) INITIATES, BEGINS THE EVIDENCE PROCEDURE,

④ HEARING OFFICER - CO 1 WILLIAMS BEGAN WITH VIOLATION # 29 - ASSAULT ON A D.O.C. OFFICIAL, READ THE CHARGE, ASKED TO PLEA GUILTY OR NOT GUILTY, TOLD CO 1 TELL TO "GIVE ME YOUR STATEMENT", WHEN CO 1 TELL GAVE HIS VERSION, ALL OTHER DEFENDANT(S) WERE IN THE HEARING ROOM, NO ONE HAD BEEN SWORN IN.

②

⑤ IN ADDITION TO WHAT WHICH HAS BEEN ADDED, THIS PLAINTIFF MAINTAINS THAT; THESE DISCIPLINARIES WERE "SERVED" ON AUGUST 10, 2006. @ 1:45 PM. BY THE CO1 ROBERT MC KINNIS, (LINE #7), THE A.R. # 403 IV, PERQUIRES, "THE HEARING SHOULD BE HELD WITHIN TEN (10) WORKING DAYS AFTER THE INDIVID HAS BEEN "SERVED" WITH THE CHARGES."

⑥ A.R. # 403, ANNEX D, SENDING OFFICER CO1 JOHN IVEY, NOTICE OF POSTPONEMENT OF DISCIPLINARY HEARING, DOCUMENTS/RECORDS AUGUST 24, 2006 AS THE SCHEDULED DAY FOR THE HEARING, WHICH IS ELEVEN (11) WORKING DAYS! A DUE-PROCESS VIOLATION, AND WHEN DOCUMENTS/RECORDS, "RESCHEDULED FOR, " UNTIL FURTHER NOTICE, BEING VAGUE AND OVER BROAD, ANOTHER DUE-PROCESS VIOLATION.

⑦ THIS PLAINTIFF CONTENDS THAT THE, ANNEX D TO AR. 403, PENALTY FOR DELAY/RESCHEDULING: "APPROVING OFFICER NOT AVAILABLE" IS A FABRICATION!

⑧ DURING AUGUST 10, 2006 - AUGUST 24, 2006 CO1 JOE TEW WAS ③ WHEN AVAILABLE.

⑧ THIS PLAINTIFF FURTHER SUPPORTS THESE DUE-PROCESS VIOLATIONS IN THAT, AR#403(G), REQUIRES, " REFERRAL FOR A MENTAL HEALTH CONSULTATION TO THE DISCIPLINARY PROCESS MAY BE MADE;

- 1) AT THE TIME OF THE RULE VIOLATION
- 2) WHEN REVIEW OF THE DISCIPLINARY REPORT IDENTIFIES THE INMATE AS HAVING A SERIOUS MENTAL ILLNESS -

⑨ PLAINTIFF ALLEGES THAT THE - ADOC FORM MH-041, WHICH IS DATED 9-29-06 BY CO1 ANTHONY WILLIAMS, RECORDS AT STEP 3, DATE REQUESTED CONSULT RECEIVED: - 9/11/06
DATE CONSULT RETURNED: 9/15/06

⑩ THE ACTUAL DATE OF THE ORIGINAL OFFENSE WAS 8/10/06, WELL OVER A MONTH BEFORE, WHICH IS FAR OUTSIDE ANY TIME LIMITATIONS OF AR#403, BEING DUE-PROCESS VIOLATIONS!

⑪ PLAINTIFF MAINTAINS THAT THESE CONSULTATION AND/OR EVALUATIONS ARE ALSO (AND MUST BE) HELD TO THE CONSTRAINTS AND TIME LIMITATIONS

④

of the A.R. # 403 III (A), III (D), and IV.

(12) THIS PLAINTIFF'S DUE-PROCESS PROTECTIONS ARE FURTHER ABUSED AND VIOLATED BY SEVERAL D.O.C. PERSONNEL.

STANDARD OPERATING PROCEDURE- C 28
USE OF FORCE

(13) PLAINTIFF ALLEGES AND COMPLAINS THAT AT THE BEGINNING OF THESE "HEARINGS" IT WAS VERBALLY REQUESTED THAT THE HANDCUFFS BE ALLOWED TO BE PLACED IN FRONT, "PURSUANT TO THE, S.O.P.- C-28, (C), 2-B, WHICH RECORDS IN RELEVANT PART, "EXCEPTIONS TO HANDCUFFING BEHIND THE BACK WILL BE FOR LONG TRANSPORTS, IN SEGREGATION WHEN THE INMATES MUST CARRY ITEMS OR SIGN PAPERS."

(14) SET. NOTE, SEC. COMMANDER SAYS, "THERE IS NO C-28 IN NOTE"

(15) THESE THREE (3) DISCIPLINARY HEARINGS TOOK OVER AN HOUR TO BECOME COMPLETE, ENTERING INTO THE 2ND SHIFT.

⑩ Plaintiff's contention is that this incident, although common enough, examples callous and deliberate indifference by the Segregation Comm., Sgt. L. Nulbert!

(Several defendants seemed to find amusement and humor in this circumstance)

⑪ I am well known to all of the defendants as a heart patient prisoner!

⑫ It further violates a prisoner's (Plaintiff) due-process rights/protections as well as the ADOC's AR-#403 IV (E), that I was not, "allowed to read his/her prepared written statement to the hearing officer and allow the inmate to add his/her oral testimony if the inmate desires."

⑬ this is one of the fundamental rights to a fair hearing!

REQUEST FOR RELIEF

THIS PLAINTIFF/DEFENDANT NOW RESPECTFULLY REQUESTS AND PRAYS THIS HONORABLE COURT TO:

- ① ISSUE A DECLARATORY JUDGMENT PURSUANT TO F. R. CIV. P. -#57, FOR A "SPEEDY HEARING AND ADVANCE THIS ACTION ON THE CALENDAR."
- ② ISSUE AN ORDER REQUIRING THE A.D.O.C. AT EXISTING CORRECTIONAL FACILITY TO CAUSE THE IMMEDIATE LITERAL TRANSFER OF PLAINTIFF TO AN INSTITUTION WHICH HOSTS A LEGITIMATE AND AUTHORIZED "SWEAT LODGE".
- ③ ISSUE AN ORDER THAT PLAINTIFF BE ALLOWED A MATTRESS 24 HOURS A DAY, 7 DAYS A WEEK.
- ④ PROMPT AND EFFECTIVE MEDICAL DIAGNOSIS, TREATMENT AND PAIN MEDICATIONS, TO INCLUDE ANY AND ALL PERSONALIZED PHYSICAL THERAPY!

- ⑥ A thorough investigation of these disciplinary #06-594, #06-595, #06-596,
- ⑦ the expulsion of these disciplinary violations from the institutional file of plaintiff.
- ⑧ A review of the A.D.O.C.'s admin. reg. #403

A DECLATORY JUDGMENT, in a fair and just dollar amount against any and all defendant(s).

A PERMITIVE JUDGMENT, in a fair and just dollar amount, against any and all defendant(s).

Respectfully submitted,

Thomas Adams

THOMAS ADAMS-100612

5A-18 SEQ. UNIT

200 WALLACE DRIVE.

CLIO, ARIZONA.

36017

⑧

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, by signature, that
I HAVE MAILED A TRUE COPY OF THE FOREGOING
"SUPPLEMENT-# ROTE 15" TO THE ATTORNEY
GENERAL'S OFFICE, FIRST-CLASS POSTAGE IS
PRE-PAID AND PROPERLY ADDRESSED AS.

HONORABLE MATT BLEDSOE, ESQ.
ATTORNEY GENERAL'S OFFICE, ALABAMA
200 DEXTER AVENUE
MONTGOMERY, ALABAMA

36102

DONE THIS 1 DAY OF OCTOBER, 2006,
AT EASTERLING SEQUESTRATION UNIT.

s/ Thomas Adams - 100612

SA-18 SEQ. UNIT.

200 WALLACE DR.

CLID, ALABAMA 36017